

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------|---|-------------------------|
| SHAWN EKSTROM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:05CV1839 JCH |
| |) | |
| LAKESIDE ROOFING CO. |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Remand, filed October 28, 2005. (Doc. No. 9).

This case is over injuries resulting from a fall through an uncovered drain hole. Plaintiff filed his initial complaint in this matter in Circuit Court of the City of St. Louis on August 25, 2005. (Notice of Removal, Doc. No. 1). Defendant removed to this court on October 1, 2005 on the basis of diversity of citizenship. Id. Plaintiff filed his Motion for Remand on October 28, 2005. This motion was accompanied by a stipulation to limit recovery to \$75,000.00, signed only by Plaintiff's attorney. (Doc. No. 10). On November 22, 2005, Defendant filed a consent to remand. (Doc. No. 14).

As Defendant consents to remand, the Court will grant Plaintiff's motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Remand (Doc. No. 9) is **GRANTED** and this case is remanded to the Circuit Court of the City of St. Louis, State of Missouri. An appropriate Order of Remand will accompany this Order.

Dated this 23rd day of November, 2005.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE